

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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THE HIPSAVER COMPANY, INC., )  
Plaintiff, ) Civil Action No. 05-10917 PBS  
v. )  
J.T. POSEY COMPANY, )  
Defendant. )  
AND RELATED COUNTERCLAIM. )  
\_\_\_\_\_  
)

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**DEFENDANT/COUNTERCLAIMANT POSEY'S PROPOSED VOIR DIRE**

J.T. Posey Company, Inc. ("Posey") hereby requests that the Court voir dire potential members of the jury in accordance with the attached Exhibit "A".

Dated: May 15, 2007

J.T. POSEY COMPANY, INC.  
By its attorneys,

/s/ Douglas H. Morseburg  
Jeffrey G. Sheldon, Admitted Pro Hac Vice  
Douglas H. Morseburg  
Admitted Pro Hac Vice  
SHELDON MAK ROSE & ANDERSON  
100 East Corson Street, 3<sup>rd</sup> Floor  
Pasadena, California 91103  
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Anthony J. Fitzpatrick (BBO # 564324)  
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Boston, Massachusetts 02210  
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**CERTIFICATE OF SERVICE**

I certify that this document has been filed through the Electronic Case Filing System of the United States District Court for the District of Massachusetts and will be served electronically by the court to the Registered Participants identified in the Notice of Electronic filing.

May 15, 2007

/s/ Donald K. Piper  
Donald K. Piper

**EXHIBIT "A"**

This lawsuit involves claims of false advertising, unfair trade practices and breach of contract between a Massachusetts Company, The Hipsaver Company, Inc., its President, Edward Goodwin, and a California Company, J.T. Posey Company. The product involved is hip protectors.

- 1) Please state your name, your occupation, if any, the city you live in, whether you have ever served on a jury before and, if you have served on a jury, whether the jury reached a verdict.
- 2) The parties in this case are:
  - a. The Hipsaver Company, Inc.
  - b. Edward Goodwin
  - c. J.T. Posey Company, Inc.

Have you or has anyone you know, worked for or with any of the parties, or are you familiar with any of them?

- 3) The following persons may be witnesses in this case. Do you know any of them?

Ms. Helen Brogna  
Dr. Edward Ebramzadeh  
Mr. Edward Goodwin  
Mr. Creighton Hoffman  
Ms. Victoria Lewis  
Mr. Kevin Minissian  
Mr. Gary Reich  
Mr. Ken Tyler  
Mr. Jeff Yates  
Mr. Ernest Posey  
Dr. Roy J. Epstein, Ph.D.  
Dr. Wilson C. Hayes, Ph.D.  
Dr. Jeffrey B. Burl, MD, CMD  
Mr. Charles Nail  
Mr. Tim Sturkie  
A representative of the Rogers Corporation  
Mr. Charles Sweeney

If so, whom?

- 4) The following law firms and lawyers are involved in this case. Do you know any of them?

Bromberg Sunstein, LLP of Boston, Massachusetts  
Duane Morris LLP of Boston, Massachusetts  
Sheldon Mak Rose & Anderson PC of Pasadena, California

Edward Dailey  
Courtney Quish  
Jeffrey Sheldon  
Douglas Morseburg  
Tony Fitzpatrick

If so, whom?

- 5) Have you, or has anyone you know or have known, worn a hip protector?
  - a) If yes, who, when, and what brand?
- 6) Have you ever suffered a broken hip? Has anyone you know ever suffered a broken hip?
- 7) Do you believe competitors can sell similar products if those products are not covered by a patent?
- 8) Can you reach a fair and impartial decision in a lawsuit involving a California company and a Massachusetts company without taking into consideration the locations of the two companies?
- 9) Can you reach a fair and impartial decision in a lawsuit involving companies of different size without taking into consideration the relative sizes of the two companies?
- 10) Do you have any feelings for or against family owned companies?
- 11) Two of the witnesses who are expected to testify in this case were born outside the United States. Will you be able to consider the testimony of these witness fairly and impartially?